

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 ISO-00 CIAE-00 DODE-00 PM-04 H-01

INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02

SS-15 USIA-06 DHA-02 SCS-03 SCA-01 EB-07 COME-00

TRSE-00 AGRE-00 OPR-02 FBO-02 OC-06 CCO-00 AID-05

PC-01 MCT-01 IO-13 SY-05 /116 W

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FM AMEMBASSY PRETORIA

TO SECSTATE WASHDC 7837

INFO AMCONSUL CAPE TOWN

AMEMBASSY DAR ES SALAAM

AMEMBASSY GABORONE

AMCONSUL JOHANNESBURG

AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

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E.O. 11652: N/A

TAGS: RH, PINT, PINS

SUBJECT: RHODESIA PROMULGATES EMERGENCY POWERS

1. EMBASSY RECEIVED TODAY COPY OF RHODESIAN EMERGENCY POWERS (MAINTENANCE OF LAW AND ORDER) REGULATIONS, 1977, WHICH WAS PROMULGATED ON JUNE 10. PRESIDENT WRATHALL ISSUED REGULATIONS UNDER CONSTITUTIONAL PROVISION WHICH ALLOWS DECLARATION OF EMERGENCY. REGULATIONS HAVE FOUR SECTIONS. IN BRIEF, FIRST SECTION DEALS WITH "PROTECTING AUTHORITIES" AND THEIR POWERS. PROTECTING AUTHORITIES ARE APPOINTED BY POLICE COMMISSIONER AT DIRECTION OF MINISTER OF LAW AND ORDER. APPOINTMENT IS MADE WHEN MINISTER DEEMS IT NECESSARY. ONCE APPOINTED OVER PARTICULAR AREA, AUTHORITIES HAVE POWERS COMPLETE CONTROL

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INCLUDING MOVEMENT OF PERSONS, SEIZURE OF PROPERTY, CLOSING OF PREMISES, CURFEW, TRAFFIC, FOOD SUPPLIES, ETC. SECOND AND THIRD SECTIONS DEAL WITH DETENTIONS.

IF IT IS "EXPEDIENT IN THE INTERESTS OF PUBLIC SAFETY OR PUBLIC ORDER", MINISTER MAY ORDER DETENTIONS OF ANY PERSON, INCLUDING NON-RESIDENTS AND ESTABLISHMENT OF DETENTION CAMPS. A REVIEWING AUTHORITY IS SET UP AND

MINISTER MUST HAVE DETENTION REVIEWED WITHIN TWELVE MONTHS. DETAINEES MAY SEEK REVIEW WITHIN THREE MONTHS OF DETENTION. FOURTH SECTION IS ENTITLED "GENERAL" AND IT SETS UP PENALTIES FOR CERTAIN ACTS, AMONG THEM MAKING STATEMENTS "WHICH CAUSE ALARM OR DESPONDENCY", ATTEMPTING TO UNDERGO TERRORIST TRAINING, AIDING TERRORISTS, DESTROYING OFFICIAL NOTICES, ETC. OF PARTICULAR INTEREST IS ONE CLAUSE, PARA 44, WHICH MAKES IT OFFENSE FOR ANY PERSON RESIDENT IN ANOTHER COUNTRY TO AID, INCITE, HARBOR OR CONSPIRE WITH TERRORISTS WHILE RESIDENT IN THAT COUNTRY. CLAUSE STATES THAT RHODESIAN COURTS SHALL HAVE JURISDICTION OVER SUCH PERSON REGARDLESS OF WAY HE ENTERS RHODESIA OR IS APPREHENDED. TERRORIST IS DEFINED AS "A PERSON WHO IS CONCERNED IN THE COMMISSION OF ANY ACT OF TERRORISM OR SABOTAGE, OR WHO IS OTHERWISE THREATENING TO ENDANGER THE PUBLIC SAFETY OR TO DISTURB OR INTERFERE IN PUBLIC ORDER". ALSO INCLUDED IN GENERAL SECTION ARE CLAUSES PERMITTING MINISTER TO CONFISCATE PROPERTY, CONTROL FILMS AND PUBLICATIONS, BAN CERTAIN ARTICLES OF DRESS, AND DECLARE "DESIGNATED" WELFARE ORGANIZATIONS PROHIBITING THEM FROM OPERATING IN CERTAIN AREAS. THERE IS ALSO CLAUSE WHICH PROHIBITS PERSON FROM AVOIDING MILITARY SERVICE BECAUSE LEGAL PROCEEDINGS ARE UNDERWAY APPEALING DENIAL OF EXEMPTIONS.

2. COMMENT: NEW REGULATION IS, TO CERTAIN EXTENT, CONSOLIDATION OF ALREADY EXISTING ONES. NEW ASPECTS ARE MAINLY THOSE CONCERNED WITH DEFINITION OF TERRORISTS LIMITED OFFICIAL USE

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AND OFFENSES RELATING TO TERRORISM. CLAUSE 44 BRINGS UP INTERESTING POINT. IT IS NOW LEGAL TO RAID NEIGHBORING COUNTRY, APPREHEND INDIVIDUALS AND BRING THEM BACK FOR CRIMINAL TRIAL IN RHODESIA. REGULATIONS BEING POUCHED AF/S.BOWDLER

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